

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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CHARTIS SPECIALTY INSURANCE CO.  
F/K/A AMERICAN INTERNATIONAL  
SEPCIALTY LINES INSURANCE CO.,

Plaintiff and Counter-Defendant,

v.

GEMSTONE LVS, LLC,

Defendant and Counterclaimant.

Case No. 2:11-cv-01669-MMD-CWH

ORDER

(Plf.'s Motion for Partial Summary  
Judgment – dkt. no. 13;

Def.'s Motion for Rule 56(d) Continuance –  
dkt. no. 22;

Def.'s Motions for Leave to File  
Supplemental Brief in Opposition to Plf.'s  
Motion for Partial Summary Judgment –  
dkt. nos. 43, 46;

Plf.'s Emergency Motion for Leave to File  
Supplemental Briefing in Support of its  
Motion for Partial Summary Judgment –  
dkt. no. 71).

**I. SUMMARY**

Before the Court are Plaintiff Chartis Specialty Insurance Co.'s ("Chartis") Motion for Partial Summary Judgment (dkt. no. 13), and Emergency Motion for Leave to File Additional Briefing in Support of its Motion for Partial Summary Judgment (dkt. no. 71), and Defendant Gemstone LVS, LLC's ("Gemstone") Motion for a Rule 56(d) Continuance (dkt. no. 22), and Motions for Leave to File Supplemental Briefing in Opposition to Plaintiff's Motion for Partial Summary Judgment (dkt. nos. 43 and 46).

Chartis filed its Motion for Partial Summary Judgment on January 1, 2012. In its Opposition to the Motion, Defendant filed a Motion for a Continuance pursuant to Fed. R.

1 Civ. P. 56(d) in order to conduct discovery regarding its Opposition. (Dkt. no. 22.)  
2 Defendant subsequently filed two additional requests to supplement its Opposition. (Dkt.  
3 nos. 43 and 46.) In the second request, Defendant informed the Court that because  
4 discovery in this case has not been stayed, and the discovery deadline has been  
5 extended to December 3, 2012, the parties may need to file *further* supplemental briefs  
6 regarding Chartis' Motion for Partial Summary Judgment. (See dkt. no. 46 at 3.) On  
7 October 10, 2012, Plaintiff filed an Emergency Motion for Leave to File Additional  
8 Briefing in Support of its Motion for Partial Summary Judgment, informing the Court that  
9 it has obtained "critical, newly-discovered" documents through discovery, and wishes to  
10 supplement its Motion for Partial Summary Judgment accordingly. (Dkt. no. 71 at 2.)


11 It is clear that new evidence garnered through discovery is the catalyst behind  
12 both parties' requests to supplement their filings. In light of this, the Court determines  
13 that it is in the interest of judicial economy to deny all pending motions. It would be a  
14 fruitless endeavor to allow the parties to file several supplements to their original Motion  
15 and Opposition merely to provide more information to the Court, in piecemeal fashion,  
16 which was gained through discovery *while discovery is still ongoing*. The parties may  
17 consolidate their arguments in light of evidence obtained during discovery and re-file  
18 their Motions and Oppositions so the Court is not asked to sift through multiple briefs to  
19 decide dispositive issues that should have been raised in a single motion.

20  
21 IT IS THEREFORE ORDERED that the following Motions are DENIED without  
22 prejudice:

- 23 • Plaintiff Chartis' Motion for Partial Summary Judgment (dkt. no. 13);
- 24 • Defendant Gemstone's Motion to Extend Time re Dispositive Measure and  
25 Motion for Continuance under Rule 56(d) (dkt. no. 22);
- 26 • Defendant Gemstone's Motion for Leave to File Supplemental Brief in  
27 Support of its Opposition to Plaintiff's Motion for Partial Summary  
28 Judgment (dkt. no. 43);

- Defendant Gemstone's Motion for Leave to File Second Supplemental Brief in Support of its Opposition to Plaintiff's Motion for Partial Summary Judgment (dkt. no. 46);
- Plaintiff Chartis' Emergency Motion for Leave to File Additional Briefing in Support of its Motion for Partial Summary Judgment (dkt. no. 71).

DATED THIS 15<sup>th</sup> day of October 2012.

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UNITED STATES DISTRICT JUDGE